

ORIGINAL

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**OBJECTION TO BE DISALLOWED & EXPUNGED**

**Jessica Angel Quiroz, Ramon Quiroz**

**Re: Case No. 12-12020 (MG)**

**Helen Quiroz**

**Chapter 11 Jointly Administered**

**Creditor**

**Proof of Claim Amended in support of Creditor**

**Residential Capital, LLC, on 11/8/2012**

**In re Residential Capital, LLC**

**89-37 Metropolitan Ave Rego Park N.Y. 11374**

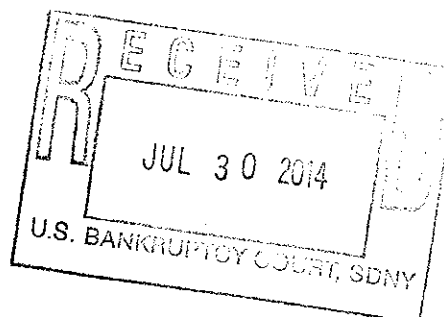
**Debtor**

**Block 3176 Lot 13 DWELLING ONLY-1 FAMILY**

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PLEASE TAKE NOTICE that, on July 2, 2014, the ResCap Borrower Claims Trust ("the Trust"), as successor in interest to the Debtor in the Above-captioned Chapter 11 cases for Borrowers Claims, filed its Seventieth Omnibus Objection to Claims (Res Judicata Borrower Claims, "(the "Objection") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"). The basis for the claim objection applicable to you is identify in the table below in the column entitled "Reason for Disallowance".

The Objection request that the Bankruptcy Court expunge, and/or disallowed or more of your claims listed above under PROPOSED CLAIM(S) TO BE DISALLOWED AND EXPUNGED on the grounds that the claim(s) is Res Judicata Borrower Claim. Any Claim that the Bankruptcy Court expunges and disallows will be treated as if it had not been filed and you will not be entitled to any distribution from the Trust on account thereof



**Caption Setting:**

( i ) United States Bankruptcy for the Southern District of New York, Residential Capital, LLC, et al "Debtors" Case No. 12-12020(MG)" **Quiroz Et Al Objection**" PROPOSED CLAIM(S) TO BE DISALLOWED AND EXPUNGED.

( ii ) Named of the Claimant: Jessica Angel Quiroz, Legal Representative: Ramon Quiroz, No. 1: ( Helen Quiroz WRONGFUL DEATH,) Unsecure Mortgage and Credit Card: No. 2. (First Mortgage \$ 522,000.00). No. 3. ( Second Mortgage \$45,000.00) No. 4. ( Credit Card \$ 15,000.00). **See Exhibits Attaches No. ( A )**

**Specific and concise statement setting for the reasons why the claim should not be disallowed or sponged:**

( iii ) Upon due Consideration been had in the United States of the Court of Appeals Second Circuit in the matter of the Civil Complaint filed in the United States District Court for the Eastern District of Brooklyn N.Y. E.D.N.Y. 10-cv-2485 and by the ORDER of the United States Court of Appeals for the Second Circuit Present Honorable Ralph K. Winter, Guido Calabresi, Gerald E. Lynch Circuit Judges it is Hereby ORDERED that (1) Appellants Quiroz Et Al motion for Summary Judgment is CONSTRUED as motion for summary reversal of the District court's August 9, 2011 judgment dismissing the Appellants' complaint; (2) as so construed decision on the motion is DEFERRED pending the lifting or termination of the automatic stay, see 11 U.S.C. § 362 (a)(1); Johnson v. Morgenthau, 160 F. 3d 897, 899 (2d Cir.1998) (providing that this Court has "inherent power...to manage and control its docket") **See Exhibit No. ( B ).**

( iii ) There are Conflicts of Law in the Court of Appeals Second Circuit when in fact US Bank, GMAC along with the Law firm of Steven J. Baum P.C. Issued false documents in the Supreme Court County of Queens New York, against Quiroz Et Al. They did not properly served in the foreclosure proceedings, the State Court erred in finding otherwise, when they filed order of reference to foreclose Appellants home claiming Appellants did not answer their summons and complaint that assumption was false and US Bank, GMAC and Steven J. Baum P.C. Got an order from the Supreme Court Queens County to auction and sell the property in contradiction of the 5<sup>th</sup> and 14<sup>th</sup> Amendment of the Constitution of the United State of America., when in "Fact Helen Quiroz alive order to show cause to Hon. Howard G. Lane and Hon. Lawrence V Cullen and they **ORDERED TO STAY** in the Supreme Court County of Queens New York Index No. 25117/07., on May 22, 2009. **See Exhibit No. ( C )**

( iii ) The Court of Appeals Second Circuit Have Reached Conflicting Decisions Regarding Whether Respondents have Standing Rights to Foreclose when they have issued foreclosure procedure three times and fail to do so because they could not proof they have standing or ownership of the Mortgage and Note. Article III Permits Standing to Sue for a Statutory Violation that Caused Emotional Stress, Abused, Pain and Suffering, for the Inappropriate Foreclosure Procedure in the Court of Law that Caused **Wrongful Death** to Helen Quiroz Deceased on the 20 Day of February 2012.

**See Exhibits: No. ( D ) "Death Certificate"**

( iii ) In fact for the fourth time McCabe, Weinsberg & Conway, P.C. have been retained to file foreclosure proceedings in connection with the creditor whom the Debt is own US Bank National Association as Trustee, GMAC, for Residential Assets Security Corporation, Home Equity Mortgage Assets Pass- Through Certificates Series 2005\_KS10 has filed a complaint collection debt of \$ \$811,027.18 on January 16, 2014 when in fact it is **stay** in the United States bankruptcy Court for the Southern District of New York Case No. 12-12020 ( GM )

See Exhibit No. ( E ).

( 1 ) the chambers of the Honorable Martin Glenn, United States Bankruptcy for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408;

( 2 ) Counsel to the ResCap Borrower Claims Trust, Morrison & Foerster LLP, 250 West 55<sup>th</sup> Street, New York, NY 10019 ( Attention: Norman S. Rosenbaum and Jordan A. Wishnew);

( 3 ) The Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Linda A. Riffkin and Brian S. Masumoto); and

( 4 ) The ResCap Borrower Claims Trust, Polsinelli PC, 900 Thitd Ave, 21<sup>st</sup> Floor, New York, NY 10022(Attn: Daniel J. Flanigan).

**"in rem" relief?**

The Quiroz's family Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz, Janel Quiroz Casey Quiroz and Alexa Marie Quiroz. Et Al, **OBJECT** to be **DISALLOWED AND SPUNGED**, Quiroz's El Al Respectfully request this Court to get in rem relief and end the pain of serial filings.

The courts and the legislature don't like abusive bankruptcy filings any more than you do. It's one thing for debtors to properly gain some "breathing space" when they file a bankruptcy. It's another thing altogether when they abuse the system to simply avoid moving out of your property – all at your expense. Judge Naugle (recently retired) used to ask some of these folks whether they had "jumped over a broom" or something to get married – there were/are abusive paralegal firms that will simply lump together totally unrelated people in a single bankruptcy, pretending they are "married debtors." Why file two abusive bankruptcies when you can save a filing fee and file only one?

Congress gave us some restrictions, limiting stays in successive bankruptcies by the same individuals. But, what if different parties file the successive bankruptcies? The

*courts have fashioned a remedy based on old-time property law. That is, the Relief from "Stay Order" is going to specify that it is binding on any one else claiming an interest in the property.*

**See: Caption Setting:**

**& Exhibits Attached:**

*( ii ) Name of the Claimant and description of the basis of the amount of the Claim.*

*( iii ) Specific and concise statement setting for the reasons why the claim should not be disallowed or expunged:*

*No. ( A ) Evidence of Perfection: Unsecured Mortgage Liens, Credit card, Defected Certificate of Title filed or recorder.*

*No. ( B ). United States Court of Appeals for the Second Circuit ORDERED on the 25<sup>th</sup> day of April 2013.*

*No. ( C ) Supreme Court County of Queens New York Ordered by the Hon. Howard G. Lane and Hon. Lawrence V Cullen.*

*No. ( D ) Helen Quiroz Death Certificate.*

*No. ( E ) McCabe, Weinsberg & Conway, P.C Foreclosure procedure January 16, 2014*

*No. ( F ). Ramon Quiroz: POWER OF ATTORNEY & DEED Recorded or Filed in the Office of the City Register of the City of New York, Recorder Filed 05/03/2012 14:28, City Register File No. (CRFM): 2012000176547.*

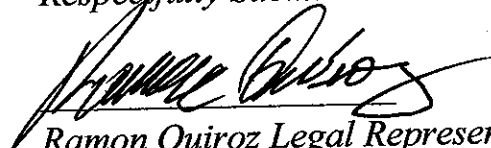
*No.( G ). RESCAP proof of claim filed by Quiroz's Et Al, on November 8, 2012, and Amended Proof of Claim..*

*No. ( H ). Original Title on the name of Ramon Quiroz.*

**CERTIFICATE OF COMPLIANCE**

*I, the undersigned, do hereby certify that this motion is filed in good faith under the truth due and legal grounds and rights of the Constitution of the United States of America and in compliance with the local rules of this Court the United State Bankruptcy Code § 362, II.U.S.C. § 362*

*Respectfully Submitted*



*Ramon Quiroz Legal Representative*

*89-37 Metropolitan Ave*

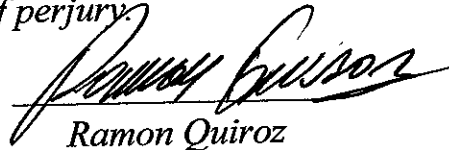
*Rego Park NY 11374*

*Phone No. ( 718-275-2192 )*

*Email: rayorlando10@gmail.com*

*I swear the above is true under penalties of perjury.*

*Sworn to before me*

  
*Ramon Quiroz*

*On July 22, 2014*

  
*Notary Public*

LATOYA WILLIAMS  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01W16251631  
QUALIFIED IN KINGS COUNTY  
MY COMMISSION EXPIRES 11/14/15

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

*Jessica Angel Quiroz*  
*Ramon Quiroz, "Helen Quiroz"*  
*Et Al*

**VERIFICATION**

**Re: Case No. 12-12020 (MG)**

**Chapter 11 Jointly Administered**

**Creditor**

**Proof of Claim Amended in support of Creditor**

**To: Residential Capital, LLC, from: 11/8/2012**

**In re Residential Capital, LLC Et Al**

**89-37 Metropolitan Ave Rego Park N.Y. 11374**

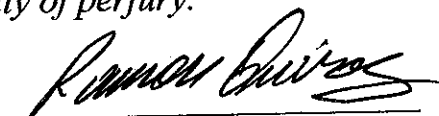
**Debtor**

*I Ramon Quiroz Do verify being duly sworn and say I am over 18 years old and I live at: 89-37 Metropolitan Ave Rego Park New York 11374. On this day..... of July 2014, as Legal Representative and Legal Property Owner of the above in question. I filed this document OBJECTION TO BE DISALLOWED AND EXPUNGED Chapter 11 Jointly Administered I am the Creditor and submit Proof of Claim Amended in support and against Residential Capital, LLC, Proof of claim from: 11/8/2012 Re: Case No. 12-12020 (MG. The same is true to my knowledge and belief, and as those matters I believed them to be true. To the best of my knowledge information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers of the contentions therein are not frivolous as defined in subsection ( C ) of section 130-1-1 of the Rules of the Chief Administration ( 22 NYCRR ).*

*The foregoing statements are true, under penalty of perjury.*

*Sworn to before me*

*This 28. day of July, 2014*



**Ramon Quiroz**



**Notary Public**

**LATOYA WILLIAMS**  
**NOTARY PUBLIC - STATE OF NEW YORK**  
**NO. 01W16251631**  
**QUALIFIED IN KINGS COUNTY**  
**MY COMMISSION EXPIRES 11/14/15**

ORIGINAL

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Jessica Angel Quiroz  
Ramon Quiroz, "Helen Quiroz"  
Et Al

VERIFICATION

Re: Case No. 12-12020 (MG)

Chapter 11 Jointly Administered

Creditor

Proof of Claim Amended in support of Creditor

To: Residential Capital, LLC, from: 11/8/2012

In re Residential Capital, LLC Et Al

89-37 Metropolitan Ave Rego Park N.Y. 11374

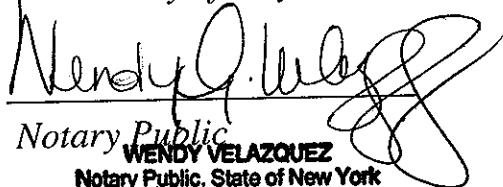
Debtor

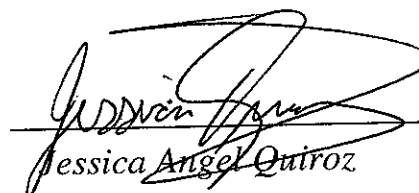
I Jessica Angel Quiroz Do verify being duly sworn and say I am over 18 years old and I live at: 89-37 Metropolitan Ave Rego Park New York 11374. On this day..... of July 2014, I filed this document OBJECTION TO BE DISALLOWED AND EXPUNGED Chapter 11 Jointly Administered I am the Creditor and submit Proof of Claim Amended in support and against Residential Capital, LLC, Proof of claim from: 11/8/2012 Re: Case No. 12-12020 (MG. The same is true to my knowledge and belief, and as those matters I believed them to be true. To the best of my knowledge information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers of the contentions therein are not frivolous as defined in subsection ( C ) of section 130-1-1 of the Rules of the Chief Administration ( 22 NYCRR ).

The foregoing statements are true, under penalty of perjury.

Sworn to before me

This 28 day of July, 2014

  
Notary Public  
WENDY VELAZQUEZ  
Notary Public, State of New York  
Qualified in Kings County  
No. 01VE6210071  
My Commission Expires 10/01/2017

  
Jessica Angel Quiroz

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

-----  
*Jessica Angel Quiroz, Ramon Quiroz "Helen Quiroz"*  
Creditors

VS  
*Residential Capital LLC, Et Al*

Debtors  
-----

*Affidavit of Service*  
**Re: Case No. 12-12020 (MG)**

*89-37 Metropolitan Ave Rego Park N.Y. 11374*  
*Block 3176 Lot 13 DWELLING ONLY-1 FAMILY*

*I Ramon Quiroz, being duly sworn says, I am not a party in the foreclosure action, I am over 18<sup>th</sup> years of age and reside at 89-37 Metropolitan Ave Rego Park, NY 11374.*

*On July ....., 2014 I served a true copy of the following papers **OBJECTION TO BE DISALLOWED AND EXPUNGED, Proof of Claim Amended in support of Creditor from ResidentialCapital,LLC,from&on:11/8/2012:Case:No.12-12020(MG).***

*By depositing a true copy of same which are attached to this Affidavit in the following matter by depositing in the United States Post Office of the State of New York, certify priority mail. No. (1) the chambers of the Honorable Martin Glenn, United States Bankruptcy for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408; ( 2 ) Counsel to the ResCap Borrower Claims Trust, Morrison & Foerster LLP, 250 West 55<sup>th</sup> Street, New York, NY 10019 ( Attention: Norman S. Rosenbaum and Jordan A. Wishnew); ( 3 ) The Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Linda A. Riffkin and Brian S. Masumoto); and ( 4 ) The ResCap Borrower Claims Trust, Polsinelli PC, 900 Thitd Ave, 21<sup>st</sup> Floor, New York, NY 10022(Attn: Daniel J. Flanigan).*

*Please note that no other party in this action has answered, appeared or requested notification of this motion; therefore no other parties are entitled to notice of this application.*

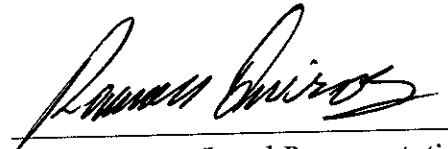
*The foregoing statements are true, under the penalty of perjury.*

*Swore to before me*

*This date of July 29, 2014*

  
Notary Public

LATOYA WILLIAMS  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01W16251631  
QUALIFIED IN KINGS COUNTY  
MY COMMISSION EXPIRES 11/14/15

  
Ramon Quiroz Legal Representative  
89-37 Metropolitan Ave Rego Park  
NY 11374.  
Phone # 3478768759  
Email: rayorlando10@gmail.com



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Pg 9 of 9

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@@ ~ NEW YORK NY 10022-4728 \$5.80		
Zone-1		
Priority Mail 1-Day By		
Weight		
1 lb. 9.60 oz.		
Expected Delivery: Wed 07/30/14		
USPS Tracking #:		
9114 9012 3080 1780 4791 09		
Includes \$50 insurance		

Issue Postage: \$5.80

@@ ~ NEW YORK NY 10019-6743 \$5.80

Zone-1

Priority Mail 1-Day By

Weight

1 lb. 9.60 oz.

Expected Delivery: Wed 07/30/14

USPS Tracking #:

9114 9012 3080 1780 4791 23

Includes \$50 insurance

Issue Postage: \$5.80

@@ ~ NEW YORK NY 10006 \$5.80

Zone-1

Priority Mail 1-Day By

Weight

1 lb. 10.10 oz.

Expected Delivery: Wed 07/30/14

USPS Tracking #:

9114 9012 3080 1780 4791 47

Includes \$50 insurance

Issue Postage: \$5.80

Total: \$17.40

Paid by:

Debit Card \$17.40

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Approval #: 025212

Transaction #: 362

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